

**UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK**

ELIZABETH CHAN, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
TRANSPORTATION, *et al.*,

Defendants.

No. 23 Civ. 10365 (LJL)

NEW YORKERS AGAINST CONGESTION  
PRICING TAX, *et al.*,

Plaintiffs,

v.

No. 24 Civ. 367 (LJL)

UNITED STATES DEPARTMENT OF  
TRANSPORTATION, *et al.*,

Defendants.

MICHAEL MULGREW, *et al.*,

Plaintiffs,

v.

No. 24 Civ. 1644 (LJL)

UNITED STATES DEPARTMENT OF  
TRANSPORTATION, *et al.*,

Defendants.

**DECLARATION OF MONICA PAVLIK**

I, MONICA PAVLIK, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am over the age of 18 years. I am competent to testify to, and have personal knowledge of, the matters set forth herein.

2. I am a resident of Boulder, Colorado, and my business address is 12300 W. Dakota Ave., Lakewood, CO 80228.

3. I am currently Specially Designated Project Oversight Manager (sdPOM) with the Federal Highway Administration (FHWA) New York Division and have served in this capacity since December of 2021.

4. I started with the FHWA in November 2002. In April 2016, I became the sdPOM for FHWA Major Projects. I currently cover FHWA Major Projects in Colorado, Oregon, Washington, Arizona, and New York.

5. As sdPOM, I am familiar with FHWA's review of the Central Business District Tolling Program (the Project) proposed by the New York State Department of Transportation (NYSDOT), New York City Department of Transportation (NYCDOT), and the Triborough Bridge and Tunnel Authority (TBTA), an affiliate of the Metropolitan Transportation Authority (MTA), in compliance with the National Environmental Policy Act (NEPA), Council of Environmental Quality (CEQ) Guidelines, and FHWA Directives relating to social, economic, and environmental effects of proposed projects. This review included the *Re-Evaluation* which the FHWA approved on June 14, 2024.

8. In my capacity as sdPOM, I also oversaw the coordination and compilation of the FHWA supplemental administrative record for re-evaluation of the Project. I coordinated an FHWA-wide search to locate, evaluate, and identify documents upon which the FHWA decision-maker directly or indirectly considered in re-evaluating the Central Business District Tolling Program Project under NEPA. The record does not include deliberative materials. See

*Comprehensive Cnty. Dev. Corp. v. Sebelius*, 890 F. Supp. 2d 305, 308-09 (S.D.N.Y. 2012) (articulating standard governing scope of the administrative record); *id.* at 312 (recognizing that “deliberative materials antecedent to the agency’s decision fall outside the administrative record”).

10. To the best of my knowledge and based on my personal involvement in compiling the supplemental administrative record, the index, attached hereto as Exhibit 1, and record documents lodged with the Court and served on Counsel of Record in this matter constitute a true, correct, and complete copy of the supplemental administrative record for the re-evaluation of the Project.

11. To the best of my knowledge, each document contained in the supplemental administrative record is a true and correct copy of the original document located in the files of the FHWA.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 25<sup>th</sup> day of October, 2024

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Monica Pavlik